

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jennifer Newnam et al

Serial No. 09/536,518

Examiner: R. Alvarez

Group Art Unit: 3622

Filed: March 22, 2000

Title: A Method and System of Playing and Controlling a Contest for a Large Number of Simultaneous Contestants

Commissioner for Patents
Washington, D.C. 20231

Declaration of Ryan Nelson Under 37 C.F.R. § 1.132

Dear Sir:

In response to the Office Action dated September 27, 2002, I, Ryan Nelson, declare as follows:

1. I currently reside at 1600 Old Ballard Rd., Charlottesville, VA
2. I received a bachelors of science in Public Administration from James Madison University in 1980.
3. I received a M.P.A., specializing in Management Information Systems, from The Ohio State University in 1982.
4. I received a Ph.D. in Business Administration, majoring in Management Information Systems, from the University of Georgia in 1985.
5. I consider myself an expert in the field of information systems, the impact of information technology on organizations and end-user computing.

6. I have been published in such journals as the *MIS Quarterly*; *Communications of the ACM*; *Journal of Management Information Systems*; *Information & Management*; *International Information Systems*; *Data Base*; and *Datamation*. In addition, I edited a book titled *End-User Computing: Concepts, Issues & Applications*, published by John Wiley & Sons.

7. I have served as an information systems consultant to a number of organizations, including the Texas Air Corporation, the Association for Investment Management and Research, Home Federal Savings & Loan, and the Administrative Office of the U.S. Courts.

8. I have been published in a number of information systems journals and books. The following is a select list:

- a. "Peopleware: The Hiring and Retention of IT Personnel," in *Strategies for Managing IS/IT Personnel*, ed. By Conrad Shayo, 2003 (with P. Todd).
- b. "Strategies for Managing EUC on the Web," *Journal of End-User Computing*, January-March 1999 (with P. Todd).
- c. "The Assessment of End-User Training Needs," *Communications of the ACM*, July 1995 (with E. Whitener and H. Philcox).
- d. "Reengineering the IS Function," *Business Process Reengineering: A Managerial Perspective*, 1995 (with H. Smith and J. McKeen).
- e. "Perceived Usefulness, Ease of Use, and Usage of Information Technology," *MIS Quarterly*, June 1992 (with D. Adams and P. Todd).
- f. "Educational Needs as Perceived by IS and End-User Personnel: A Survey of Knowledge and Skill Requirements," *MIS Quarterly*, December 1991.

- g. "Training End Users: An Exploratory Study," *MIS Quarterly*, December 1987
(with P. Cheney).

9. I have reviewed the patent application, identified above, and have reviewed the Office Action of September 27, 2002 and the references cited therein.

10. In my opinion, the references cited in the Office Action, and for that matter all other internet-based systems of which I am aware and which I know to have existed prior to March 22, 2000, are fundamentally different than the GoldPocket game. In my opinion and based on my in-depth knowledge of information systems both at the time of the patent application and currently, the GoldPocket game was unique, new and not obvious.

11. My view is based on the technically unique combination of elements brought together by GoldPocket in the formation of the Live Trivia Game. To my knowledge, never before had someone attempted to assemble an internet-based entertainment system designed to handle the large volume of simultaneous contestants and the related interactions, as envisioned by the game. All Internet entertainment systems prior to March 22, 2000 had been designed to handle users accessing, on their own schedules, content that was available 24/7. GoldPocket's Live Trivia Game provided the excitement of a large number of participants competing with each other by making it an event. Users were instructed to come to the site at 8:00 PM on Sunday evening in order to compete against everyone else who showed up to compete.

12. All standard, internet-based entertainment systems prior to March 22, 2000 group small numbers of users into small competitions as they arrive at an Internet Site, where the users compete for the highest score. GoldPocket realized that one could provide a much more compelling user experience by hosting an event in which large numbers of users would


participate in direct head-to-head competition. In order to host this new type of event, GoldPocket had to develop a new entertainment system capable of (i) allowing extremely large numbers of contestants to simultaneously play the same game, (ii) matching each contestant against another for one round, and then matching the winner against another winner and the loser against another loser, and (iii) determining a single winner within a short enough time period (less than one hour) to make it an exciting community event capable of holding the interest of participants no longer in contention for the winning prize. GoldPocket's unique solution allowed them to provide a game that was not available in any form prior to March 22, 2000.

13. GoldPocket's approach was unique in that it combined new types of timing mechanisms, order of play and methods of tracking participants to make this an experience that was truly unique in the annals of "mass participative communication." It is precisely the combination of holding an event at a particular time, allowing any willing competitor to compete against anyone else who chose to participate, and matching participants in one-on-one competitions that formed a highly unique and entertaining offering.

14. When I first learned of GoldPocket's Live Trivia Game, I thought it was a remarkable idea. Although I have expertise in information systems and was aware of Internet-based multiplayer games (such as those cited in the office action), as far as I was aware, nobody had realized that by following the combination of elements disclosed in this application, one could create a massive game that would allow extremely large numbers of contestants to compete, creating a unique and exciting event. A game on this scale is so different in degree from the type of multiplayer games done prior to March 22, 2000, that it is different in kind.

15. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 3/20/2003


Ryan Nelson